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MARIA LUISA COSTELL G OS, Petitioner Plaintiff pro se
36 Afterglow Way, Montclair N.J. 07042 201 746 0517

(8)

IN THE 96-5831

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1996

Supreme Court; U.S.
FILED
AUG 13 1996
OFFICE OF THE CLERK

PETITION FOR WRIT OF MANDAMUS AND/OR REQUEST TO U.S. SUPREME
COURT TO EXERCISE ORIGINAL JURISDICTION.

IN RE : MARIA LUISA COSTELL GAYDOS, Petitioner , Plaintiff pro se
RESPONDENTS:

WILLIAM T. WALSH, CLERK OF U.S. DISTRICT COURT. NEW JERSEY

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

ORIGINAL

Petition had been served to :
William T. Walsh, Clerk
U.S. District Court
50 Walnut St.
Newark N.J. 07102

Aug 9. 1996
Maria Luisa Costell Gaydos
36 Afterglow Way
Montclair N.J. 07042
201 746 0517

Requesting the filing by U.S. District Court Clerk of FOIA/PA Complaint
filed with the Clerk Dec. 4, 1995 and not docketed yet. Complaint :
Maria Luisa Costell Gaydos v. U.S. Department of Justice, U.S. Attorney
General Janet Reno, U.S. Attorney Faith Shapiro Hochberg, Bonnie L. Gay
Esq. FOIA/PA Unit, William K. Suter, Christopher W. Vasil, Jeffrey D.
Atkins (last three Clerks of U.S. Supreme Court) EXHIBIT 1. RECEIVED

RECEIVED AUG 26 1996

AUG 13 1996 OFFICE OF THE CLERK
SUPREME COURT, U.S.

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Aug 21, 96 Corrocted.

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96-5831

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Petitioner pro se.

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PETITION FOR WRIT OF MANDAMUS AND/OR REQUEST TO U.S. SUPREME
COURT TO EXERCISE ORIGINAL JURISDICTION.

CIVIL ACTION No.....

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The appellant MARIA LUISA COSTELL GAYDOS, pro se respectfully,
ask leave to file APPLICATION FOR WRIT OF MANDAMUS in forma pauperis.

AFFIDAVIT.

I, Maria Luisa Costell Gaydos, petitioner pro se, being duly sworn
according to law, depose and say:

THAT I am the petitioner pro se in this case; that in support of my
motion to proceed without being required to prepay fees, costs or give
security therefore, I state that because of my poverty I am unable to
pay the costs of said case or give security therefore; and that I believe
I am entitled to redress.

I, further swear that the responses which I have made to the question
and instructions related to my ability to pay the costs of the proceedings
of this Court are true.

1.- Are you present employed ,...No ; and last employment 1969 \$1,426/month
2.- Have you received within the past twelve months any income from a bu-
siness, profession or other form of self-employment or in form of rents,
payments, interest, dividends or other sources, Yes \$6,480/year pension-
alimony.

3.-Do you own any cash, checking or saving account, Yes, approx. \$300.
4.-Do you own real estate, stocks bonds notes, automobiles or other valua-
ble property , Yes car approx. value \$ 200.

5.- I dont have any dependents.

I declare under penalty of perjury that the foregoing is true and
correct.

Maria L. Costell Gaydos
MARIA L COSTELL GAYDOS
Petitioner pro se

Aug 9, 1996

RECEIVED

SEP 3 - 1996

OFFICE OF THE
SUPREME COURT

Gloria Y. Williams
GLORIA Y. WILLIAMS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 27, 1997

RECEIVED
Petition had been served to :
William T. Walsh, Clerk
U.S. District Court
50 Walnut St.
Newark N.J. 07102

Aug 9, 1996
Maria Luisa Costell Gaydos
36 Afterglow Way
Montclair N.J. 07042
201 746 0517

Requesting the filing by U.S. District Court Clerk of FOIA/PA Complaint
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SUPREME COURT, U.S.

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Aug 21, 96 Correced.

QUESTIONS PRESENTED FOR REVIEW

Whether petitioner had constitutional right to access to court and filing of action under FOIA/PA ACT requesting copy of alleged court orders and/or statement that said-notified by the Clerk-orders had not been issued by THE COURT.

JURISDICTION

Jurisdiction of this COURT is invoked under Title 28 U.S.C. 1651 and/or original jurisdiction under U.S. Constitution Article III Sec.2.

U.S. District Court's jurisdiction was invoked under Title 5 U.S.C. #552 et seq.

CONSTITUTIONAL PROVISIONS INVOLVED.

FIRST AMENDMENT....."right to petition the Goverment for redress of grievances..."

FIFTH AMENDMENT Clauses of due process and equal protection.

ARTICLE III Sec. 2 :"The Supreme Court shall have original jurisdiction"

Sec.1."The judicial Power of the United States , shall be vested in one supreme Court.."

CERTIFICATION

STATEMENT OF THE CASE.

1.- December 4, 1996 plaintiff Maria Luisa Costell Gaydos filed with the U.S. District Court Clerk the Complaint under FOIA/PA ACT : Maria Luisa Costell Gaydos v. U.S. Department of Justice, et al. EXHIBIT 1 shows two first pages with certification of filing and receipt returned.-P 396 520 081.

2.- Although many telephones calls where made by plaintiff requesting docket number assigned to the case, and despite that docket number was on the way no such number or document of filing had been received and no filing of the Complaint appears in the U.S. District Court.

Maria Luisa Costell Gaydos Plaintiff Petitioner pro se certifies under oath to be true and correct the "facts" stated in the STATEMENT OF THE CASE under oath and penalty of perjury.

Aug 9, 1996

Maria L Costell Gaydos
Maria Luisa Costell Gaydos, Petitioner pro se.
Plaintiff.

* as this plaintiff was informed by Clerk's Office.

ICATION FOR WRIT OF MANDAMUS AND/OR REQUEST TO
THE COURT TO EXERCISE ORIGINAL JURISDICTION.

Maria Luisa Costell Gaydos , Plaintiff prtioner pro se , respectfully address~~s~~ THE COURT for a writ of mandamus to William T. Walsh Clerk of U.S. District Court to file and docket Complaint under FOIA/PA ACT filed with the Clerk by plaintiff December 4, 1996(EXHIBIT 1) " and/or to exercise original jurisdiction on the Complaint as it requests the production of U.S. SUPREME COURT ORDERS allegedly issued by THIS COURT. Obviously said orders had not been issued by THIS COURT as they do not appear or produced despite the many requests, being the last one the Complaint under FOIA/PA ACT -EXHIBIT 1- that requests copy of the Orders or Declaratory Statement that said alleged orders were not issued by the COURT.

REASON TO GRANT WRIT OF MANDAMUS.

1.- For not permitting the access to the court, the Clerk deprives THIS COURT and,in fact, all courts, of their jurisdiction. And that is a power that was never granted to Clerks. Therefore the granting of petitions RETURNS power of jurisdiction to the courts, aiding ^{to} the COURT'S JURISDICTION.

2.- It is required by the EXCEPTIONAL CIRCUMSTANCES that the facts to be investigated by this FOIA/PA Complaint is "fraud" upon the COURT by ITS own officers who apparently notified orders that were not issued.

3.- The granting of the petition is needed for no adequate relief can be obtained in any other form or from any other court, for it happens that the Orders requested related to cases in which orders are being signed by judges who are defendants-appellees-respondents in the same cases to which the orders refer, that includes circuit judge that issued an injunction prohibiting any filing in the U.S. Court of Appeals - Third Circuit.

4.- Exceptional circumstances includes that impeachments had been filed by petitioner against circuit judges and Clerks Walsh, Sisk and Suter for this reason DISQUALIFICATION OF CLERKS WALSH, SISK AND SUTER is REQUESTED. ~~and to issue summons pursuant Rule 4. (FRCP)~~

CONCLUSION AND REQUESTS

For the above said , petitioner contends that her constitutional rights to access to court guarantee by the First Amendment to the U.S. Constitution and due process guarantee . by Fifth Amendment had been violated not only in not filing the FOIA/PA ACT Complaint but also in the cases and actions in which had been notified ORDERS that apparently never were issued by THIS COURT, thus Clerks committing fraud upon THE COURT and usurping ITS JURISDICTION.

Due process and application of constitutional law demands that the HIGHEST COURT OF THE NATION granted petition for writ of mandamus to file FOIA/PA ACT Complaint or to exercise ITS original jurisdiction as no court can exercise jurisdiction when actions are not filed by Clerks.

It is , respectfully REQUESTED the granting of the petition of writ of mandamus to Clerk William T. Walsh to file complaint under FOIA/PA ACT (EXHIBIT 1 shows two first pages and service) and/or to exercise ITS original jurisdiction on said Complaint.

Aug 11, 1996

Submitted by
MARIA LUISA COSTELL GAYDOS

Plaintiff Petitioner pro se.

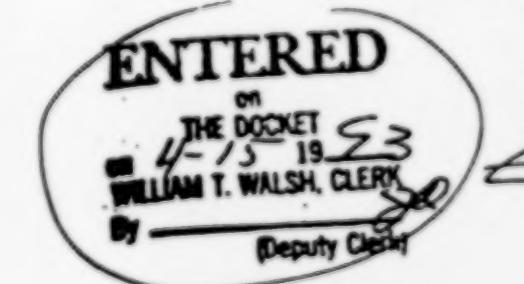
Exhibit 1 (2 pages)
Proof of Service
Application to proceed IFP.
Orders

MARIA LUISA COSTELL GAYDOS
Plaintiff
v.
NICHOLAS H. POLITAN, ET AL.
Defendants

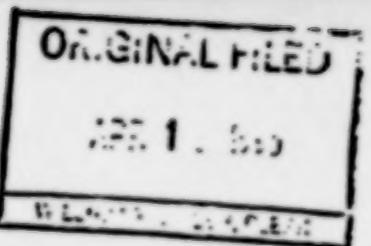
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CIVIL ACTION 93-927
ORDER

AND NOW this 12th day of April, 1993, it is ORDERED
The hearing on plaintiff's Motion to Remove William T. Walsh, Clerk, from Proceedings in the Present Complaint etc. for service of summons and complaint by U.S. Marshal, for correction of the filing and notice of allocation date scheduled for April 26, 1993 is adjourned until further order of the court.

William T. Walsh, Clerk, is directed to assign a deputy to act on behalf of the Clerk in all matters regarding this action until further order of the court and to advise the undersigned Presiding Judge, the plaintiff and all parties who were named as defendants in the complaint of such designation by April 21, 1993.



Eduardo C. Robreno
EDUARDO C. ROBRENO
Presiding Judge
No identification of signer.



IN THE

UNITED STATES SUPREME COURT

OCTOBER TERM 1996

IN RE: MARIA LUISA COSTELL GAYDOS

RESPONDENT : WILLIAM T. WALSH, CLERK OF THE U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

PROOF OF SERVICE

MARIA LUISA COSTELL GAYDOS, Petitioner pro se certifies that the enclosed petition for writ of mandamus and application to proceed IFF corrected and dated Aug. 21, 1996 had been served :

Original and ten copies to Qualified Clerk of the U.S. Supreme Court.

Copies to : U.S. Solicitor General Drew S. Days III, at U.S. Department of Justice , Justice Main Bldg, Washington D.C.20530

William T. Walsh, Clerk U.S. District Court,
50 Walnut St. Newark . N.J. 07102

I swear under oath to be true and correct the above said under penalty of perjury

Aug 21, 96

Maria L Costell Gaydos
MARIA LUISA COSTELL GAYDOS
Petitioner pro se.

IN THE
UNITED STATES SUPREME COURT
OCTOBER TERM 1996

IN RE: MARIA LUISA COSTELL GAYDOS

RESPONDENT : WILLIAM T. WALSH, CLERK OF THE U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

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Aug 9, 1996

Maria L Costell Gaydos
MARIA LUISA COSTELL GAYDOS
Petitioner pro se.